REPORT

OF THE INVESTIGATION

INTO

THE ADMINISTRATION OF

VEHICLE REGISTRATION MARKS AUCTIONS

October 2002

Office of The Ombudsman

Hong Kong

CONTENTS

EXECUTIVE SUMMARY

Chapter		Paragraphs
1	INTRODUCTION	
	Background	*1.1 - 1.3*
	Purpose and Ambit	*1.4 - 1.5*
	The Investigation	*1.6 - 1.7*
	Investigation Report	*1.8*
2	CONDUCT OF AUCTIONS	
	Vehicle Registration Marks for Auction	*2.1 - 2.3*
	The Auction	*2.4 - 2.9*
	Rundown of an Auction	*2.10 - 2.14*
	Measures against Harassment	*2.15 - 2.20*
3	CASE STUDIES	
	Case 1 to Case 8	*3.1 - 3.16*
4	OBSERVATIONS AND OPINIONS	
	Staffing	*4.4 - 4.5*
	General Administration	*4.6 - 4.9*
	Measures against Harassment	*4.10 - 4.19*
5	RECOMMENDATIONS	
	Staffing	*5.1(a)*
	General Administration	*5.1(b)*
	Measures against Harassment	*5.1(c)*
	Public Information and Forewarning	*5.1(d)*
6	FINAL REMARKS	
	Comments from Transport Department	*6.1 - 6.3*
	Final Remarks from The Ombudsman	*6.4 - 6.7*

Annexes

1 *Schedule 5 of the Road Traffic (Registration and Licensing of Vehicles) Regulations*

2 *Instructions distributed to participants*

EXECUTIVE SUMMARY
Report of the Investigation
into the Administration of Vehicle Registration Marks Auctions

Introduction

Since 1973, some vehicle registration marks (VRMs) have been offered for sale by auctions organised by the Transport Department (TD). The proceeds go to the Government Lotteries Fund for charitable purposes. Since 1973, TD has organised over 600 auctions, raising over $800 million for charity. From time to time, there had been reports on bullying incidents at these auctions, where spirited gang members gave signals calculated to deter biddings against "the boss" of the gang. If unchecked, this could affect public confidence in the auctions and hence Government's credibility. To examine whether there are deficiencies in the procedures and practices in the administration of VRM auctions, The Ombudsman decided to conduct a direct investigation under Section 7(1)(a)(ii) of The Ombudsman Ordinance.

Case Studies

2. Since 1998, seven cases of alleged harassment involving police intervention have been reported. These cases have served as the basis for this Office to evaluate the adequacy and effectiveness of the current arrangements for preventing and dealing with harassing behaviour.

Current Arrangement for the Conduct of Auctions

3. To enhance the image of professionalism and impartiality, TD has been using surveyors from other departments as auctioneers.

4. A Senior Executive Officer of TD is responsible for the overall arrangement for the auctions but used to leave it to the subject officer, an Executive Officer II, and attended only occasionally. Since the bullying incidents, the Senior Executive Officer has attended every auction. A third executive attends as observer to help oversee the order of the auctions since October 2001. A team of 20 other staff provides support services on site.

5. In November 2001, security guards were engaged and liaison with the Police was strengthened to maintain better order at auctions. All auctions are now attended by security guards and plain-clothes police officers.

6. TD has established guidelines and instructions governing the administration of auctions of VRMs.

7. On auction day, auctioneers, supporting staff and security guards will be briefed separately in the morning. Admission is free and participants, including potential bidders, are not required to register. Security guards are tasked to perform crowd control and usher duties. Notices on rules of etiquettes are distributed on site to participants before the commencement of each auction.

8. During the auction process, the auctioneer will identify the bidder by describing him, for example, by his clothes. When a bid is unlikely to be advanced

upon, the auctioneer will call out the last bid three times to finalise the bid. The auctioneer will then point at and describe the successful bidder so that TD staff can approach him to complete the sale formalities.

9. If there are reasonable grounds to believe that a bidder is being "threatened", the auctioneer may in consultation with the TD officer-in-charge adjourn the auction and take such action as reporting to the Police or asking the trouble-makers to leave.

10. Security guards are also supposed to report any irregularity to the TD officer-in-charge. When appropriate they may advise the trouble-makers to stop the nuisance and to keep quiet.

Observations and Opinions

11. Suitably advertised, auctions can open the market to a wide range of potential buyers. Auctions must be conducted in an impartial and orderly way. While TD has tried to improve arrangements for VRM auctions through the past few years, this Office considers that there is still room for further improvement.

Staffing

12. This Office considers that in case of untoward incidents, the subject officer, an Executive Officer II, who is usually an officer with only a few years' working experience or a fresh graduate, is unlikely to be mature or experienced enough to take

command of the situation.

General Administration

13. This Office is concerned over the loose order of VRM auctions. Guidelines distributed to participants are not well presented: perhaps due to repeated reproduction by photocopying, they are difficult to read.

Measures Against Harassment

14. TD staff and outside auctioneers were passive in dealing with harassment. The only action ever taken was to make a report to the Police. The action taken by the Police shows that the harassing behaviour, although disturbing to most law-abiding citizens, might not come within the purview of criminal law.

15. In this connection, we are aware that TD is considering video taping the auctions to deter harassing behaviour. However, we also understand that there are technical difficulties given TD's use of different venues for the auctions (i.e. problems of setting up) and the limited scope for the use of the tape as evidence.

16. The effectiveness of the engagement of security guards is doubtful. They appeared to be either unacceptably lethargic or they had not been suitably briefed.

17. This Office has drawn reference from other organisers and found that a pre-registration requirement merits serious consideration. As bidders are provided

with numbered paddles, the auctioneer can simply call out the numbers of competing bidders and then record the number of the successful bidder. This can help to preserve the anonymity of bidders, thereby protecting them from becoming the target of bullying tactics. This also has the added advantage of preventing successful bidders from refusing to provide information in an attempt to renege on their bids.

18. It is noted that TD is considering the use of electronic means for future auctions. However, given that e-auctioning is still at an experimental stage of development in Hong Kong and access can be a problem for some people, this Office suspects that this option is still only a possibility at this stage.

Recommendations

19. The Ombudsman has made the following recommendations for improving the overall administration of VRM auctions of the Commissioner for Transport's consideration –

(a) Staffing

i) Designate mature and experienced TD officials (for example, a Senior Executive Officer who would normally have ten or more years of service) to act as auctioneer in place of outsiders and surveyors.

ii) Require companies engaged to provide security service at auctions to enhance the level of professionalism/performance of the security guards deployed.

(b) General administration

i) Improve the presentation of the guidelines and instructions to participants. Maintain the practice of reviewing the wording regularly.

ii) TD may wish to explore the feasibility of a pre-registration requirement.

iii) TD staff and security guards should require all participants to remain seated and strictly enforce that requirement.

(c) Measures against harassment

i) Give clear directives on what behaviour constitutes harassment which should not be tolerated.

ii) The auctioneer should ask trouble-makers to stop their harassing behaviour and in case of non-compliance, require security guards to escort trouble-makers to leave the venue.

iii) Should trouble-makers refuse to cooperate, the auctioneer should consider adjourning the auction until order is restored. Police assistance should be enlisted when appropriate.

iv) Reconsider the efficacy of video taping the process of auctions as a means to deter harassment.

v) Continue to explore other means of selling VRMs, for example, e-auctioning.

(d) *Public information and forewarning*

i) Publicise the above arrangements via the media, the TD homepage, information leaflets and reminder at the auction to alert the public in advance.

Comments from TD

20. TD accepts The Ombudsman's recommendations in general. However, TD prefers to continue its practice of using surveyors as auctioneers for better quality assurance and professionalism. It agrees, however, that only more experienced and mature auctioneers should be invited. TD also agrees that more experienced supervisory officers from TD should be deployed for auctions. All auctions are now attended by a Senior Executive Officer and two Executive Officers.

Final Remarks

21. The Ombudsman accepts that the combination of an experienced and mature auctioneer with a Senior Executive Officer should certainly be well able to take command of the situation, take up the challenge and make difficult decisions on the spot.

Office of The Ombudsman

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1

INTRODUCTION

BACKGROUND

1.1 Vehicle registration marks (VRMs) are allocated either in sequence[1] or upon sale by auctions held by the Transport Department (TD). The latter is governed by Regulations 9-14 of the Road Traffic (Registration and Licensing of Vehicles) Regulations, Cap.374E (the R&LV Regulations). In accordance with Regulation 10, the proceeds from these sales, after deduction of expenses, will be paid into the Government Lotteries Fund[2].

1.2 In March 2002, the press reported bullying activities at a VRM auction. According to newspaper reports, a couple were harassed by a group of more than ten youths while competing with another bidder for a mark. Chinese newspapers described the incident as "sai ma" (曬馬) - when spirited gang

[1] The computer randomly draws numbers from a batch of two thousand VRMs. For example, if the number just allocated is RA 5764, then the next vehicle will be allocated any number within RA 4501 and RA 6500. The next range of numbers will be from RA 6501 to RA 8500. The computer will automatically replenish VRMs after the current batch of numbers has been exhausted.

[2] Moneys from the Fund are used to support and develop social welfare services. See section 6(4) of the Government Lotteries Ordinance, Cap.334.

members are put on display to demonstrate one's power. The youths might shout a little or make eye contact but otherwise took no overt action. These gestures and signals were calculated to deter, or bully, bidders from bidding against "the boss" of the gang.

1.3 Similar incidents had been reported previously. They reflected badly on TD's ability to organise orderly auctions. This could affect public confidence in the auctions and hence Government's credibility. To examine whether there are deficiencies in the procedures and practices in the administration of auctions of VRMs, The Ombudsman informed the Commissioner for Transport (C for T) on 19 April 2002 of her decision to conduct a direct investigation under Section 7(1)(a)(ii) of The Ombudsman Ordinance. C for T pledged full cooperation.

PURPOSE AND AMBIT

1.4 The purpose of the investigation is to study the present arrangements to improve as necessary and safeguard the integrity of the auctions of VRMs.

1.5 The ambit of the investigation includes -

(a) existing arrangements of auctions of VRMs;

(b) measures for preventing and dealing with

harassing behaviour;

(c) adequacy and effectiveness of such arrangements and measures; and

(d) areas for improvement.

THE INVESTIGATION

1.6 For the investigation, TD provided relevant papers and extracts of information, case files, publications and statistical data for scrutiny and analysis. Investigation Officers of this Office held discussions with representatives of TD throughout the investigation and attended as observers a number of auctions held by TD as well as other organisers, including professional private auctioneers.

1.7 This Office invited members of the public through the media for comments and suggestions during the period from 17 May to 17 June 2002. One written submission came through suggesting that bidders should be registered beforehand.

INVESTIGATION REPORT

1.8 A Draft Investigation Report was sent on 4 September 2002 to C for T for comments. These were received on 16 September. This final report was issued on 2 October 2002.

2

CONDUCT OF AUCTIONS

VRM FOR AUCTION

2.1 Regulation 9 of the R&LV Regulations provides that a VRM that consists of any number alone, or one or more letters and a number under Schedule 5 (**Annex 1**), other than that consisting of the letters AM or LC[3], is a special registration mark (SRM). An SRM shall be allocated upon sale by auction. Ownership of an SRM is not transferable.

2.2 In accordance with Regulation 13, a non-SRM, except that with a prefix AM or LC or that stipulated in Regulation 9(1) of the R&LV Regulations, may on request be made available for allocation upon sale by auction. Any person who wishes to obtain an unassigned SRM or a non-SRM from the old series of prefixes (such as AA, AB and HK) to the impending series[4] may apply to reserve it for auction. Reservation of a non-SRM

[3] In accordance with Regulation 11, VRMs consisting of the letters AM or LC are reserved for assignment to Government vehicles and vehicles owned by the Legislative Council Commission respectively.

[4] For example, if the current series is JA, then marks in the JB series may be reserved.

requires the payment of a $1,000 deposit. Should he subsequently fail to get the mark at the auction, the deposit will be refunded.

2.3 Regulation 14 provides that C for T may at his discretion offer for sale by auction any VRM, not being an SRM or a VRM consisting of the letters AM or LC.

THE AUCTION

2.4 TD started organising VRM auctions in 1973. In the early years, auctions were held at irregular intervals at the Recital Hall of the City Hall. To cope with increasing public demand, the number of auctions grew with the passage of time. At present, up to three full-day auctions are held each month. A study of VRM auctions conducted by the Corruption Prevention Department of the Independent Commission Against Corruption (ICAC)[5] in November 1996 indicated that the Recital Hall of the City Hall was not a satisfactory venue. Its fan shape made it difficult to see some bids and successful bidders had to complete sale formalities on a different floor where the temporary office was located. Other venues have since been used: for example, the Hong Kong Convention and Exhibition Centre, the Duke of Windsor Social Service Building and the Hong Kong Central Library.

[5] Assignment no. 77/96

2.5 According to TD's current practice, a total of 130 VRMs will normally be put up for sale in a full-day auction. These auctions are open to the public and have raised considerable sums of money. Since 1973, TD has organised over 600 auctions, raising over $800 million for charity. More recent contributions from the sale of VRMs are listed below:

Year	**Proceeds (million)**
1998	$54
1999	$47
2000	$68
2001	$62
2002 (up to August)	$29

2.6 Following the ICAC study, TD set up an Auction Supervisory Committee[6] in 1997. The Committee is responsible for drawing up criteria for selecting VRMs for sale by auction[7]; determining the factors for the setting of reserve prices and monitoring the appropriateness of those prices; and conducting reviews on auction procedures and practices in the light of operational experience and complaints.

2.7 A Senior Executive Officer of TD is responsible for

[6] Chaired by the Principal Executive Officer (Licensing), the Committee comprises two Senior Executive Officers (one for Licensing and one for auctions) as members and an Executive Officer II as secretary.

[7] At present, due to the massive number of applications, all VRMs for sale by auction are those reserved by the public (para. 2.2).

the auctions. She used to leave it to the subject officer, an Executive Officer II, and attended the auctions only occasionally. Advice and guidance would nonetheless be given through mobile phone when necessary. Since the bullying incidents, the Senior Executive Officer has attended every auction. A third officer, a Senior Executive Officer or an Executive Officer I, has been assigned as observer to help oversee the order of the auctions since October 2001. Supporting these three officers on site are one Chinese Language Officer and 19 Clerical Officers/Assistant Clerical Officers/Clerical Assistants.

2.8 To enhance the image of professionalism and impartiality of the auctions, TD has been using surveyors from other departments as auctioneers in place of TD staff, who are not qualified as surveyors. The shortage of volunteers has "forced" the Auction Supervisory Committee to contemplate bringing in professionals from auction houses. Subsequently, for greater cost-effectiveness, the Committee started asking the Hong Kong Institute of Surveyors (HKIS) to nominate its members as auctioneers. Surveyors for the morning session still come from other departments while those for the afternoon session are HKIS nominated auctioneers. The latter are paid an honorarium, but there is no formal assessment of their performance.

2.9 In November 2001, security guards were engaged and liaison with the Police was strengthened to maintain better

order at auctions. At present, an auction will be attended by three security guards, one of them a supervisor.

RUNDOWN OF AN AUCTION

2.10 TD has established guidelines and instructions governing the administration of auctions of VRMs, as detailed below.

2.11 Before an auction, the Auction Supervisory Committee select VRMs for sale by auction and set the reserve prices based on recent auction results of similar VRMs. TD will then make the necessary logistical arrangements; advertise the event in its Licensing Offices, Vehicle Records Office, homepage and local newspapers; and also write to inform those who have applied to reserve VRMs: para. 2.2.

2.12 On auction day, auctioneers, supporting staff and security guards will be briefed in separate groups in the morning. Admission is free and participants, including potential bidders, are not required to register. Security guards are tasked to perform crowd control and usher duties. Notices on rules of etiquettes are distributed on site to participants before the commencement of each auction (**Annex 2**). Such rules specify, *inter alia*, that participants are required to remain seated; that any harassing behaviour noted should be reported to TD staff, the auctioneer or the Police; and that trouble-makers would be required to leave.

TD reviews the wording of the notices regularly.

2.13 During the auction, the auctioneer is empowered to regulate the floor. When the VRMs are put up for sale one by one, the auctioneer will announce the reserve price and ask bidders to raise their hands and call out their bids. If no bid reaches the reserve price, the mark will be withdrawn. During the auction process, the auctioneer will identify the bidder by describing him, for example, "the gentleman in blue". When it appears that a bid is unlikely to be advanced upon, the auctioneer will call out the latest bid three times and this will then become the final bid when the hammer falls. The auctioneer will then point at and describe the successful bidder so that TD staff can approach him to complete the sale formalities. The auctioneer will record the price of the final bid and this concludes the sale of that VRM. The next VRM will then be put up for sale following the same procedure.

2.14 A full-day auction comprises two sessions, each lasting two to three hours starting at 9:30 a.m. and 2:30 p.m. respectively. After the auction, successful bidders complete the sale by making payments at the temporary office. TD staff will then follow up with documentation and publicise the auction results through TD's Licensing Offices, the Vehicle Records Office and its homepage. Auction results are not advertised but provided to the media for publication if they so wish.

MEASURES AGAINST HARASSMENT

2.15 If there are reasonable grounds to believe that a bidder is being "threatened", the auctioneer may in consultation with the TD officer-in-charge adjourn the auction and take such action as reporting to the Police or asking the trouble-makers to leave.

2.16 Security guards are also supposed to report any irregularity to the TD officer-in-charge. When appropriate they may advise the trouble-makers to stop the nuisance and to keep quiet.

2.17 TD regularly reviews security arrangements with the security company. In addition to frequent telephone discussions with company personnel, seven meetings have been held since the introduction of security guards in November 2001.

2.18 Close liaison is also maintained with the Police. Since 10 March 2002, all auctions have been attended by plain-clothes police officers.

2.19 TD has sought legal advice on the feasibility of video taping the auction process; prohibiting participants from changing seats during auctions; and refusing to allocate a VRM to a successful bidder if harassing behaviour is observed

during the bid. In essence, legal advice has confirmed that Regulation 10(1) of the R&LV Regulations empowers C for T to decide on the procedures of the sale of VRMs by auction but any conditions imposed should be "necessary and reasonable".

2.20 TD has been adopting the conventional auction practice since 1973. With easy access to new technology, TD is considering the use of electronic means for future auctions.

3

CASE STUDIES

3.1 Since 1998, eight cases of alleged harassment involving police intervention have been reported. However, one took place outside the venue and TD staff had no knowledge of the incident (paras 3.15-3.16). This Office has used these cases as the basis for evaluating the adequacy and effectiveness of the current arrangements for preventing and dealing with harassing behaviour.

Case 1

3.2 While some VRMs were being auctioned, a group of bidders shouted loudly and rudely to barrack other participants to stop the latter from bidding against them. They approached those who ignored the barracking and spoke to them in a low voice. They then loudly asked the auctioneer to drop the hammer quickly at their offer. The auctioneer ignored these goings-on and continued with the auction.

3.3 The Police responded to a call and arrived while the auction was in progress. The police officers left when

it was confirmed that police assistance was not needed. The auction continued. Subsequently, the Police informed TD that arising from the incident, one man was arrested for professing to be a triad member but was later released because of insufficient evidence for prosecution.

Case 2

3.4 The auction went smoothly but some bidders quarrelled afterwards at the venue entrance about the resale price of a mark. TD staff reported the case to the Police.

Case 3

3.5 Before the auction, a crowd gathered at the venue entrance. When a target registration number was auctioned, a man sitting at the back of the venue shouted rudely at other participants to warn them against competing with his "boss". Two police officers attending the auction directed him to leave. On the same occasion, some 30 youths sitting next to bidders who were competing with a man understood to be the youths' "boss" were also directed to leave by the Police. The auction continued.

Case 4

3.6 The day before the auction, TD received an anonymous letter allegedly from "a dealer of VRMs", claiming that he

and other dealers had been warned (on threats of violence) against bidding for marks bearing two particular letters. As a precaution, TD reported this to the Police. Fortunately, no harassing behaviour was observed during this auction.

Case 5

3.7 When two bidders were competing for a particular mark, a man believed to be the friend of one of the bidders came to sit next to the other bidder. A TD staff saw an expression of annoyance on the latter's face but could not hear what was said between them. The annoyed bidder subsequently succeeded. The auction continued.

3.8 While completing the sale, the successful bidder complained to TD staff member that he was asked not to advance his bid so that profits gained from obtaining the mark at a comparatively low price could be shared. He left his telephone number and indicated his willingness to assist in any investigation of the incident. TD reported the matter to the Police. A police officer subsequently contacted the successful bidder, and allegedly suggested that reporting the incident to the Police was useless, as it could not be proved that a crime had been committed[8].

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[8] Indeed, it was more like a futile attempt to form a "ring". A "ring" is a group of dealers who gather at an auction and together agree to nominate one person in the group to bid for the items of their collective interest. This substantially reduces competition and thus allows the group to obtain the goods at prices lower than those which would otherwise prevail. The Auctions (Bidding Agreements) Act 1927 was an attempt in England to legislate against dealers' ring. However, prosecutions are rare and legislation is far from effective. – Brian Learmount, *A History of the Auction*, Barnard & Learmount 1985, 183-195.

Case 6

3.9 A crowd at the back of the venue "booed" each time a bidder raised his bid for a target registration mark. The auctioneer did nothing to deal with the situation and the mark was subsequently sold to a bidder from the crowd.

3.10 Another bidder reported to TD staff that he had been warned against bidding for the mark beforehand, but he refused to report it to the Police for fear of revenge.

3.11 Some TD staff saw and heard that some other bidders interested in the mark had also been warned against raising their bids. TD reported the incident to the Police.

Case 7

3.12 When the target registration mark was put up for sale, a group of more than ten youths moved to the front of the venue. A bidder from the group walked towards the stage, stood in front of the other participants with arms akimbo and shouted his bid. The auctioneer continued as if nothing had happened. No other bid was offered. The successful bidder and his supporters then left the venue laughing and talking to each another loudly and rudely.

3.13 After their departure, two participants alleged that they had been bullied by the group. One asked TD to re-auction the mark but his request was rejected.

3.14 Both complainants refused to report the incident to the Police. TD did, to "*show the reporters of (the) media and the complainants that this Department (TD) had paid attention to … complaints received and had taken necessary action promptly*"[9].

Case 8

3.15 A group of youths dressed in black with dyed hair attended the auction apparently to support a bidder who was interested in a number of VRMs. The youths clapped each time that bidder made a successful bid. The auctioneer did nothing.

3.16 While TD staff inside the venue had no knowledge of what happened outside after the bidder and her supporters had left, newspapers reported that, a couple who had bidded against the group said that they were verbally abused by the group of youths. Apparently, the couple called the Police and were escorted to a taxi. The Police then sought information from TD about the related auctions.

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[9] TD, *Report of Auction Held on 8 September 2001*, 7

4

OBSERVATIONS AND OPINIONS

4.1 Auctions are effective means of disposing of property. Suitably advertised, auctions can open up the market to a wide range of potential buyers.

> "The immediacy of the auction, the split-second to make up the mind before the hammer falls, when added to man's naturally acquisitive nature provides a formula which few are able to resist"[10].

Cumulatively, these factors often help to boost the sale price of auctioned items particulary those with a degree of rarity value.

4.2 Auctioning is therefore a good way of selling VRMs. Apart from being an open and fair means of disposal, this has

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[10] Brian Learmount, *A History of the Auction*, Barnard & Learmount 1985, 3.

a number of beneficial spin-offs. VRM auctions have raised considerable sums of money for charity. It keeps VRM dealers in business and allows vehicle owners to obtain their vanity plates. Regrettably, some people see in VRM auctions opportunities for the pecuniary advantage and have decided to exploit these at the expense of *bona fide* bidders.

4.3 To yield their intended benefits, auctions must be conducted in an impartial and orderly way. While TD has tried to improve arrangements for VRM auctions through the past few years, this Office considers that there is room for further improvement. In particular, the guidelines against harassing behaviour are loose and their implementation is inadequate.

STAFFING

4.4 Before 2002, an Executive Officer II from TD acted as officer-in-charge at VRM auctions, with a Senior Executive Officer attending from time to time. In fact, an ICAC study in 1996 had concluded that the officer-in-charge was too junior to make difficult decisions quickly in case of dispute[11]. Nevertheless, this practice continued until the bullying incidents. Since the middle of this year, a Senior Executive Officer has attended every auction. This Office also takes the view that should there be any untoward incidents, an

[11] Assignment Report No. 77/96, para. 44.

Executive Officer II is unlikely to be mature or experienced enough to take command of the situation, stand up to challenge and make difficult decisions on the spot. To ensure that auctioneers or TD staff on site can withstand the pressure of bullying tactics, they must be people of sufficient experience and maturity.

4.5 By using outsiders and surveyors as auctioneers, TD has sought to uphold the professionalism and impartiality of the VRM auctions. We question whether it is necessary to use outside auctioneers. We believe the professionalism and impartiality of these auctions being compromised by the use of TD staff to be remote. Government land worth hundreds of millions of dollars has been auctioned with a directorate officer of the Lands Department acting as auctioneer. VRM auctions are relatively simple and would not warrant the presence of a directorate officer. However, they could still benefit from a suitably experienced and mature member of TD staff as auctioneer so as to command the respect of the assembly and to deal with difficult situations. He would be familiar with TD's *modus operandi*, be in a better position to take command of the supporting staff and have ready knowledge of the Government machinery for follow-up action.

GENERAL ADMINISTRATION

4.6 This Office is concerned over the loose order of

VRM auctions. The guidelines distributed to participants are not well presented: perhaps due to repeated reproduction by photocopying, they are difficult to read.

4.7 Furthermore, some parts are not properly executed. Participants moved around and chatted loudly with other participants several metres away. Worse still, TD staff moved around in accordance with the guidelines to approach successful bidders, who could at the same time be busy bidding for the next mark.

4.8 This Office also has reservations on the need to describe competing bidders. It was observed in an auction that the auctioneer had difficulty in doing so: a brown shirt was described as white; a bidder who had never changed his seat during the auction was "the gentleman wearing a black T-shirt sitting at the back" but later became "the gentleman in blue sitting in front". These may not only raise dispute, but also at times cause confusion.

4.9 The auctioneer must be in control to command respect. An auction that fails to fulfil these key considerations is at risk.

MEASURES AGAINST HARASSMENT

4.10 TD staff and outside auctioneers were passive in

dealing with harassment. They allowed the auction to continue even when the harassing behaviour was so obvious: paras. 3.7, 3.9, 3.11 and 3.12. They did not contemplate any action when warned and just waited for it to happen: para. 3.5.

4.11 Although empowered to do so, the auctioneer never asked anyone to leave.

4.12 The only action ever taken was to make a report to the Police. The action taken by the Police shows that the harassing behaviour, although disturbing to most law-abiding citizens, might not come within the purview of criminal law[12]. In most cases therefore, the Police were there just to prevent the harassing behaviour from escalating.

4.13 In this connection, we are aware that TD is considering video taping the auctions to deter harassing behaviour. However, we also understand that there are technical difficulties given TD's use of different venues for the auctions (i.e. problems of setting up) and the limited scope for the use of the tape as evidence.

4.14 TD does see its responsibility as preventing and dealing with harassment. This is borne out by the engagement of security guards. However, the effectiveness of this arrangement is doubtful. The security guards had virtually

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[12] See the acts of intimidation prohibited under section 24 of the Crimes Ordinance and the offence of bribery in relation to auctions contrary to section 7 of the Prevention of Bribery Ordinance.

done nothing in the recent incident: paras. 3.15-3.16. During an auction observed by investigators of this Office, they merely stood at a corner leaning against the wall, their presence could hardly be noticed. Industrious security guards are available in the market. Security guards observed at that auction appeared to be either unacceptably lethargic or they had not been suitably briefed.

4.15 This Office understands the difficulty in preventing harassing behaviour as very often only a fine line divides what constitutes harassment or just boisterous behaviour. However, a department has a duty to keep order at events it hosts. TD's view that nothing much could be done and reporting the incidents to the Police was only to show that it had taken action (para. 3.14) is tantamount to giving in to trouble-makers and indirectly encouraging them.

4.16 This Office has drawn reference from other organisers and examined the pros and cons of requiring bidders to register for an auction.

4.17 Potential bidders have to bring with them proof of identity and register before the auction. They will be provided with a numbered paddle for bidding and identification. The disadvantage of this arrangement is that it inhibits impromptu bidding by interested parties who have not registered to bid before the auction starts. The organiser should therefore clearly state this requirement when

advertising the auctions.

4.18 On the positive side, numbered paddles are more easily noticed than a show of hands. There is no need for bidders to call out their bids, nor for auctioneers to describe bidders or send staff to seek the identity of the successful bidder: para. 2.13. The auctioneer can simply call out the numbers of competing bidders and then record the number of the successful bidder. This can help to preserve the anonymity of bidders, thereby protecting them from becoming the target of bullying tactics. This also has the added advantage of preventing successful bidders from refusing to provide information in an attempt to renege on their bids.

4.19 Auctioning through electronic means is beginning to gain public acceptance. However, given that e-auctioning is still at an experimental stage of development in Hong Kong and access can be a problem for some people, this Office considers that this option remains only a possibility at this stage.

5

RECOMMENDATIONS

5.1 Based on the observations and opinions in Chapter 4, The Ombudsman has made the following recommendations for improving the overall administration of auctions of VRMs for C for T's consideration –

(a) ***Staffing***

i) Designate mature and experienced TD officials (for example, a Senior Executive Officer) to act as auctioneer: para. 4.5.

ii) Require companies engaged to provide security service at auctions to enhance the level of professionalism/performance of the security guards deployed. This will necessitate briefing guards suitably on what is expected of them and reviewing their performance at the venue regularly: para. 4.14.

(b) ***General administration***

i) Improve the presentation of the guidelines and instructions to participants by reproducing the copies from an original: para. 4.6. Maintain the practice of reviewing the wording regularly: para. 2.12.

ii) TD may wish to explore the feasibility of a pre-registration requirement as in paras. 4.16-4.18.

iii) TD staff and security guards should require all participants to remain seated and strictly enforce that requirement: para. 4.7.

(c) ***Measures against harassment***

i) Give clear directives on what behaviour constitutes harassment and should not be tolerated.

ii) The auctioneer should ask trouble-makers to stop their harassing behaviour and in case of no compliance, require security guards to escort trouble-makers to leave the venue.

iii) Should trouble-makers refuse to cooperate, the auctioneer should consider

adjourning the auction until order is restored. Police assistance should be enlisted when appropriate.

iv) Reconsider the efficacy of video taping the process of auctions as a means to deter harassment: para. 4.13.

v) Continue to explore other means of selling VRMs, for example, e-auctioning.

(d) ***Public information and forewarning***

i) Publicise the above arrangements via the media, the TD homepage, information leaflets and reminder at the auction to alert the public in advance.

6

FINAL REMARKS

COMMENTS FROM TD

6.1 Since June 2002, TD has been conducting an internal study on the improvement of the arrangements of VRM auctions. It has identified certain areas of deficiency and is contemplating improvement measures.

6.2 On paras. 3.14 and 4.15, TD has advised that the remark made by the subject officer in the report is only her own view. It is TD policy to report all cases of harassment to the Police as a necessary step to help ensure orderly auctions.

6.3 TD accepts The Ombudsman's recommendations and has commented on the relevant recommendations as follows -

(a) ***Staffing***

i) TD will only use experienced and mature surveyors as auctioneers. Less

experienced surveyors will attend only as observers. The auctioneer and the Senior Executive Officer who will attend all auctions should be able to handle difficult situations.

ii) Since May 2002, TD has held monthly meetings with the company engaged to provide security service at auctions. This has yielded positive results. In the coming tendering exercise in October 2002, more weight will be accorded to the quality of security guards. Companies whose guards fail to meet the required standard will be sanctioned.

(b) ***General administration***

i) Presentation of the guidelines and instructions to participants has been improved. They will be in use starting with the next auction. The wording was last reviewed in March 2002. The practice of reviewing the wording regularly will be maintained.

ii) TD is actively exploring the feasibility of a pre-registration requirement.

iii) TD will stop participants from moving around the venue and chatting loudly.

(c) ***Measures against harassment***

i) TD will seek legal advice on how the directives on behaviour constituting harassment should be drafted.

ii) TD has instructed auctioneers to notify security guards to escort trouble-makers to leave the venue if they do not stop their harassing behaviour.

iii) TD has briefed auctioneers to enlist police assistance immediately in cases where trouble-makers are identified.

iv) TD has recently reconsidered video taping the process of auctions. A set of administrative arrangements is being worked out.

v) Apart from e-auctioning, TD is exploring the feasibility of outsourcing VRM auctions.

(d) ***Public information and forewarning***

i) TD will inform the public of the arrangements in advance through normal publicity channels.

FINAL REMARKS FROM THE OMBUDSMAN

6.4 The Ombudsman notes TD's disagreement with the view stated by the subject officer: para. 6.2. In this connection, TD should brief its officers on the policy regarding harassing behaviour in auctions.

6.5 TD's combination of a mature and experienced auctioneer with a Senior Executive Officer should certainly be well able to take command of the situation, stand up to challenge and make difficult decisions on the spot: para. 6.3(a)(i).

6.6 The Ombudsman is pleased to note that TD has taken the initiative to improve the arrangements of VRM auctions. Meanwhile, this direct investigation provides an objective view on the deficiencies and will assist TD in improving the administration of VRM auctions.

6.7 Lastly, The Ombudsman places on record appreciation for the cooperation and assistance rendered by TD throughout the course of this investigation.

---- End ----

Office of The Ombudsman

Ref. OMB/WP/14/1 S.F. 101

October 2002

Annex 1
(para. 2.1)

SCHEDULE 5

[regs. 9 & 13]

LIST OF SPECIAL REGISTRATION MARKS

Item	
1.	1, 2, 3, 4, 5, 6, 7, 8 and 9.
2.	11, 22, 33, 44, 55, 66, 77, 88 and 99.
3.	111, 222, 333, 444, 555, 666, 777, 888 and 999.
4.	1111, 2222, 3333, 4444, 5555, 6666, 7777, 8888 and 9999.
5.	10, 20, 30, 40, 50, 60, 70, 80 and 90.
6.	100, 200, 300, 400, 500, 600, 700, 800 and 900.
7.	1000, 2000, 3000, 4000, 5000, 6000, 7000, 8000 and 9000.
8.	123, 234, 345, 456, 567, 678 and 789.
9.	1234, 2345, 3456, 4567, 5678 and 6789.
10.	12, 13, 14, 15, 16, 17, 18, 19, 21, 23, 24, 25, 26, 27, 28, 29, 31, 32, 34, 35, 36, 37, 38, 39, 41, 42, 43, 45, 46, 47, 48, 49, 51, 52, 53, 54, 56, 57, 58, 59, 61, 62, 63, 64, 65, 67, 68, 69, 71, 72, 73, 74, 75, 76, 78, 79, 81, 82, 83, 84, 85, 86, 87, 89, 91, 92, 93, 94, 95, 96, 97 and 98.
11.	1100, 1122, 1133, 1144, 1155, 1166, 1177, 1188, 1199, 2200, 2211, 2233, 2244, 2255, 2266, 2277, 2288, 2299, 3300, 3311, 3322, 3344, 3355, 3366, 3377, 3388, 3399, 4400, 4411, 4422, 4433, 4455, 4466, 4477, 4488, 4499, 5500, 5511, 5522, 5533, 5544, 5566, 5577, 5588, 5599, 6600, 6611, 6622, 6633, 6644, 6655, 6677, 6688, 6699, 7700, 7711, 7722, 7733, 7744, 7755, 7766, 7788, 7799, 8800, 8811, 8822, 8833, 8844, 8855, 8866, 8877, 8899, 9900, 9911, 9922, 9933, 9944, 9955, 9966, 9977, 9988.
12.	1001, 1221, 1331, 1441, 1551, 1661, 1771, 1881, 1991, 2002, 2112, 2332, 2442, 2552, 2662, 2772, 2882, 2992, 3003, 3113, 3223, 3443, 3553, 3663, 3773, 3883, 3993, 4004, 4114, 4224, 4334, 4554, 4664, 4774, 4884, 4994, 5005, 5115, 5225, 5335, 5445, 5665, 5775, 5885, 5995, 6006, 6116, 6226, 6336, 6446, 6556, 6776, 6886, 6996, 7007, 7117, 7227, 7337, 7447, 7557, 7667, 7887, 7997, 8008, 8118, 8228, 8338, 8448, 8558, 8668, 8778, 8998, 9009, 9119, 9229, 9339, 9449, 9559, 9669, 9779, 9889.
13.	101, 121, 131, 141, 151, 161, 171, 181, 191, 202, 212, 232, 242, 252, 262, 272, 282, 292, 303, 313, 323, 343, 353, 363, 373, 383, 393, 404, 414, 424, 434, 454, 464, 474, 484, 494, 505, 515, 525, 535, 545, 565, 575, 585, 595, 606, 616, 626, 636, 646, 656, 676, 686, 696, 707, 717, 727, 737, 747, 757, 767, 787, 797, 808, 818, 828, 838, 848, 858, 868, 878, 898, 909, 919, 929, 939, 949, 959, 969, 979, 989.
14.	1010, 1212, 1313, 1414, 1515, 1616, 1717, 1818, 1919, 2020, 2121, 2323, 2424, 2525, 2626, 2727, 2828, 2929, 3030, 3131, 3232, 3434, 3535, 3636, 3737, 3838, 3939, 4040, 4141, 4242, 4343, 4545, 4646, 4747, 4848, 4949, 5050, 5151, 5252, 5353, 5454, 5656, 5757, 5858, 5959, 6060, 6161, 6262, 6363, 6464, 6565, 6767, 6868, 6969, 7070, 7171, 7272, 7373, 7474, 7575, 7676, 7878, 7979, 8080, 8181, 8282, 8383, 8484, 8585, 8686, 8787, 8989, 9090, 9191, 9292, 9393, 9494, 9595, 9696, 9797, 9898.

附表 5

(第 9 及 13 條)

特殊登記號碼一覽表

項	
1.	1、2、3、4、5、6、7、8 及 9。
2.	11、22、33、44、55、66、77、88 及 99。
3.	111、222、333、444、555、666、777、888 及 999。
4.	1111、2222、3333、4444、5555、6666、7777、8888 及 9999。
5.	10、20、30、40、50、60、70、80 及 90。
6.	100、200、300、400、500、600、700、800 及 900。
7.	1000、2000、3000、4000、5000、6000、7000、8000 及 9000。
8.	123、234、345、456、567、678 及 789。
9.	1234、2345、3456、4567、5678 及 6789。
10.	12、13、14、15、16、17、18、19、21、23、24、25、26、27、28、29、31、32、34、35、36、37、38、39、41、42、43、45、46、47、48、49、51、52、53、54、56、57、58、59、61、62、63、64、65、67、68、69、71、72、73、74、75、76、78、79、81、82、83、84、85、86、87、89、91、92、93、94、95、96、97 及 98。
11.	1100、1122、1133、1144、1155、1166、1177、1188、1199、2200、2211、2233、2244、2255、2266、2277、2288、2299、3300、3311、3322、3344、3355、3366、3377、3388、3399、4400、4411、4422、4433、4455、4466、4477、4488、4499、5500、5511、5522、5533、5544、5566、5577、5588、5599、6600、6611、6622、6633、6644、6655、6677、6688、6699、7700、7711、7722、7733、7744、7755、7766、7788、7799、8800、8811、8822、8833、8844、8855、8866、8877、8899、9900、9911、9922、9933、9944、9955、9966、9977、9988。
12.	1001、1221、1331、1441、1551、1661、1771、1881、1991、2002、2112、2332、2442、2552、2662、2772、2882、2992、3003、3113、3223、3443、3553、3663、3773、3883、3993、4004、4114、4224、4334、4554、4664、4774、4884、4994、5005、5115、5225、5335、5445、5665、5775、5885、5995、6006、6116、6226、6336、6446、6556、6776、6886、6996、7007、7117、7227、7337、7447、7557、7667、7887、7997、8008、8118、8228、8338、8448、8558、8668、8778、8998、9009、9119、9229、9339、9449、9559、9669、9779、9889。
13.	101、121、131、141、151、161、171、181、191、202、212、232、242、252、262、272、282、292、303、313、323、343、353、363、373、383、393、404、414、424、434、454、464、474、484、494、505、515、525、535、545、565、575、585、595、606、616、626、636、646、656、676、686、696、707、717、727、737、747、757、767、787、797、808、818、828、838、848、858、868、878、898、909、919、929、939、949、959、969、979、989。
14.	1010、1212、1313、1414、1515、1616、1717、1818、1919、2020、2121、2323、2424、2525、2626、2727、2828、2929、3030、3131、3232、3434、3535、3636、3737、3838、3939、4040、4141、4242、4343、4545、4646、4747、4848、4949、5050、5151、5252、5353、5454、5656、5757、5858、5959、6060、6161、6262、6363、6464、6565、6767、6868、6969、7070、7171、7272、7373、7474、7575、7676、7878、7979、8080、8181、8282、8383、8484、8585、8686、8787、8989、9090、9191、9292、9393、9494、9595、9696、9797、9898。

Annex 2
(para. 2.12)

參與車輛登記號碼拍賣人士須知

- 車輛登記號碼的拍賣必須在符合「公開拍賣車輛登記號碼發售條件」的情況下進行，有關條件已夾附在拍賣號碼清單內。
- 買家必須在每次成功競投後，親自簽署付款承諾書。
- 買家必須在競投完成後，立即繳付買價和將所有資料妥寫在「特別車輛登記號碼發售備忘錄」或「車輛登記號碼發售備忘錄」上。
- 買家必須以劃線支票付款，抬頭應寫上「香港特別行政區政府」。本署恕不接受期票或現金。如支票不獲兌現，買家將不獲分配有關的登記號碼。
- 如車輛登記號碼以法團的名義登記，買家必須立即出示公司註冊證。
- 任何在今天購買的車輛登記號碼必須在 12 個月內分配予用買家名義登記的車輛。買家如未能遵行此規定，將不獲分配有關的號碼。
- 已向運輸署繳交一千元按金以預留號碼拍賣的任何人士亦應參與競投，否則，該號碼可能會售予另一競投人。
- 如申請人未能成功競投該預留號碼，本署會以劃線支票將按金退回申請人。支票會直接寄往申請表上所顯示的申請人地址。
- 競投人出價時應舉手並大聲說出要約價。
- 如對拍賣過程有任何問題，應向拍賣官提出，而拍賣官的決定為最後決定。請注意，根據「發售條件」第 3 條的規定：「如兩個或以上競投人之間或拍賣官與任何競投人之間有任何爭議，登記號碼／特別登記號碼將會重新進行拍賣」。
- 在每個車輛登記號碼的整個拍賣期間，參與拍賣人士應坐在座位上。拍賣場地內不准飲食。
- 如你在拍賣進行期間受到騷擾或恐嚇，請立即知會本署人員或拍賣官。你亦可直接向警方舉報。
- 在拍賣進行期間擾亂秩序或製造滋擾的任何人士可能會被本署人員要求離場。
- 請注意，標有星號的車輛登記號碼均不得轉讓。拍賣所得的淨收益會存入政府獎券基金，作爲慈善用途。拍賣將以廣東話進行。如你需要傳譯服務，請隨時與本署人員聯絡，以便進行所需安排。

運輸署

Important Notice to Participants of Auction of Vehicle Registration Marks

- The vehicle registration marks are auctioned subject to the "Conditions of Sale of Vehicle Registration Marks by Auction" attached to your auction list.
- Purchaser is requested to sign the undertaking in person immediately after each successful bidding.
- The Purchaser shall make payment of the purchase price and fill in the "Memorandum of Sale of Special Registration Mark" or "Memorandum of Sale of Registration Mark on Request" with all the information immediately after the bidding is completed.
- Payment shall be made by crossed cheque made payable to "The Government of the Hong Kong Special Administrative Region". Post dated cheque or cash will not be accepted. Allocation of the registration mark will be cancelled if the cheque is not met on presentation.
- The Certificate of Incorporation must be produced immediately if a vehicle registration mark is to be registered in the name of a body corporate.
- Any vehicle registration mark purchased today must be assigned to a vehicle registered in the name of the purchaser within 12 months. The allocation of the mark will be cancelled if the purchaser fails to do so.
- Any person who has submitted a deposit of $1,000 to the Transport Department to reserve a number for auction should also participate in the bidding, otherwise the number may be sold to another bidder.
- If the applicant is not successful in the bidding for the reserved number, the deposit will be refunded by way of a crossed cheque sent by mail directly to the address of the applicant as shown on the application form.
- Bidder should offer by raising their hands and calling out the price offered.
- Questions regarding the conduct of the auction should be raised with auctioneer, whose decision shall be final. Please note that according to clause 3 of the " Conditions of sale", " Should any dispute arise between two or more bidders or between the auctioneer and any bidder, the registration mark/ special registration mark shall be put up again."
- Participants should remain seated throughout the entire auction period of each vehicle registration mark. Eating and drinking in the auction hall is not allowed.
- If you are disturbed or threatened during the auction, please let our staff or the auctioneer know immediately. You may also report to the Police directly.
- Any person who causes disorder or nuisance in the auction may be required to leave the auction venue by our staff.
- Please note that those marked with asterisks are non-transferable. The net proceeds raised will be put into the Government Lotteries Fund for charity. This auction will be conducted in Cantonese. If you need interpretation service, please feel free to contact our staff for necessary arrangement.

Transport Department

2002(3.23) Reminder

關於暴雨信號及烈風或暴風信號警告發出時
車輛登記號碼拍賣會的安排

如在上午的車輛登記號碼拍賣會(拍賣會)舉行前兩小時內(即上午 7 時 30 分至 9 時 30 分)，香港天文台發出黑色暴雨警告或八號及以上的烈風或暴風信號警告，則該上午所舉行的拍賣會便會臨時取消。如上述信號警告於當日下午 12 時 30 分或以前除下，下午的拍賣會則會如常於下午 2 時 30 分舉行。

2. 如在下午的車輛登號碼拍賣會舉行前兩小時內(即下午 12 時 30 分至 2 時 30 分)，香港天文台發出黑色暴雨警告或八號及以上的烈風或暴風信號警告，則該下午的拍賣會便會臨時取消。

3. i) 如香港天文台於拍賣會舉行期間發出黑色暴雨信號警告，則正在進行中的拍賣會會繼續舉行；

   ii) 如香港天文台於拍賣會舉行期間發出八號及以上的烈風或暴風信號警告，該場拍賣會則會立即中止舉行。

4. 如拍賣會因惡劣天氣關係取消，那些已預留但因拍賣會取消或中止而未能在原定的拍賣會中拍賣的車輛登記號碼的申請人，稍後會接獲本署以掛號信方式發出有關再次舉行的拍賣會詳情的通知。

5. 有關拍賣會舉行日期因惡劣天氣關係而取消的消息，本署亦會透過電視及電台發布，敬請留意。

運輸署

Arrangement of Auction when Rainstorm Warning Signal and Gale or Storm Signal Warning is Hoisted

1. If Gale or Storm Signal No. 8 and above; or Black Rainstorm Warning Signal is hoisted within 2 hours before commencement of the ***morning session*** of the auction of vehicle registration mark (the auction) (i.e. 7:30-9:30 a.m.), the morning session of the auction will be cancelled. If the above warning signals are cancelled at or before 12:30 p.m., the afternoon session of the auction will be held at 2:30 p.m..
2. If Gale or Storm Signal No. 8 and above; or Black Rainstorm Warning Signal is hoisted within 2 hours before commencement of the ***afternoon session*** of the auction (i.e. 12:30 p.m.-2:30 p.m.), the afternoon session of the auction will be cancelled.
3. i) If Black Rainstorm Warning Signal is hoisted after commencement of the auction, the on-going auction will continue;

   ii) If Gale or Storm Signal No. 8 is hoisted after commencement of the auction, the auction will be terminated immediately.
4. If an auction session has been cancelled or terminated due to inclement weather, applicants of the reserved vehicle registration marks which have not been put up for auction due to this reason will be notified of the details of the re-scheduled auction later by registered mail.
5. Cancellation of auction sessions caused by inclement weather will also be announced through television and radio broadcasting.

Transport Department

公開拍賣車輛登記號碼/特別登記號碼

定義

[買主] 指經公開拍賣而獲得有關的登記號碼或特別登記號碼的人士，而在文意適用時，亦指上述人士的遺囑執行人、遺產管理及權益承讓人；如屬法人團體，則指其繼承人及權益承讓人。

[署長] 指運輸署署長。

[登記號碼] 與香港法例第 374 章道路交通條例及根據該條例而制定的規例所指的意思相同。

[特別登記號碼] 與香港法例第 374 章道路交通條例及根據該條例而制定的規例所指的意思相同。

發售條件

(1) 由拍賣官主持競投過程。

(2) 登記號碼/特別登記號碼推出拍賣時，均有內定最低價。根據香港法例第 374 章道路交通(車輛登記及領牌)規例第十三條推出拍賣之登記號碼，其最低價爲港幣一千元。

(3) 如果兩名或以上競投人之間有爭議，又或拍賣官與任何競投人之間有爭議時，則有關的登記號碼/特別登記號碼將重新推出拍賣。

(4) 除上述條件第 2 及第 3 款另有規定外，拍賣官提及的出價最高的認可競投人即爲買主。

(5) 買主須在競投完成後立即繳付有關的買價。

(6) 款項須以劃線支票繳付，並註明收款人爲「香港特別行政區政府」。期票及現金將不予接受。在不局限上述條件第五款的一般性的原則下，買主繳交的劃線支票如不兌現，將被視爲違反條件第五款。

(7) 買主須在競投完成後立即填妥「特別登記號碼發售備忘錄」或「車輛登記號碼發售備忘錄」。

(8) 發給登記號碼/特別登記號碼事宜須受香港法例第 374 章道路交通(車輛登記及領牌)規例第九至第十四條規限。

(9) 登記號碼/特別登記號碼只能配予以買主名義登記的車輛。任何車輛登記號碼如需登記於有限公司名下，買主必須於拍賣後立即出示公司註冊證書。

(10) 買主必須於購買日期起計十二個月內，向運輸署署長申請將有關登記號碼/特別登記號碼配與以買主名義登記的車輛。

(11) 如果買主違反刊載在此的發售條件的任何一款，署長有權因買主不履行合約所引致的損失對其採取法律程序；及取消發給有關的登記號碼/特別登記號碼，並將號碼重行拍賣，假如重行拍賣所得的價格低於原先所得的價格，買主須應索求向署長繳付一筆相等於兩個價格之間差額的款項。

運 輸 署

SALE OF VEHICLE REGISTRATION MARKS/ SPECIAL REGISTRATION MARKS BY AUCTION

DEFINITION

"Purchaser" means the person who is allocated the registration mark or special registration mark upon sale by auction and where the context so admits or requires his executors, administrators and assigns and in the case of a corporation its successors and assigns.

"Commissioner" means the Commissioner for Transport.

"Registration mark" has the same meaning as provided in the Road Traffic Ordinance Cap. 374 and the Regulations made thereunder.

"Special registration mark" has the same meaning as provided in the Road Traffic Ordinance Cap. 374 and the Regulations made thereunder.

CONDITIONS OF SALE

1. The Auctioneer shall regulate the bidding.
2. The registration mark/special registration mark is offered for sale subject to a reserve price. For a registration mark put up for sale under Regulation 13 of the Road Traffic (Registration and Licensing of Vehicles) Regulations, Cap. 374, it is subject to a reserve price of $1,000.
3. If any dispute arises between two or more bidders or between the auctioneer and any bidder the registration mark/special registration mark shall be put up again.
4. Subject to Conditions 2 and 3, the highest approved bidder named by the auctioneer shall be the Purchaser.
5. The Purchaser shall make payment of the purchases price immediately after the bidding is completed.
6. Payment shall be made by crossed cheque made payable to "The Government of the Hong Kong Special Administrative Region". Post-dated cheques and cash will not be accepted. Without limited the generality of Condition 5. Condition 5 shall be deemed to be breached if the crossed cheque is not met on presentation.
7. The Purchaser shall fill in the "Memorandum of Sale of Special Registration Mark" or "Memorandum of Sale of Registration Mark on Request" with relevant information immediately after the bidding is completed.
8. The allocation of the registration mark/special registration mark is subject to Regulations 9 to 14 of the Road Traffic (Registration and Licensing of Vehicles) Regulations, Cap. 374.
9. A registration mark/special registration mark can only be assigned to a motor vehicle which is registered in the name of the Purchaser. The Certificate of Incorporation must be produced immediately after the auction if a Vehicle Registration Mark is to be registered under the name of a body corporate.
10. The Purchaser MUST, within 12 months from the date of purchases, apply to the Commissioner for the registration mark/special registration mark to be assigned to a vehicle registered in the name of the Purchaser.
11. If the purchaser breaches any of the Conditions herein, the Commissioner shall be entitled to proceed against the Purchaser for damages for breach of contract and to cancel the allocation of the registration mark/special registration mark and re-sell the same by auction and the Purchaser shall pay to the Commissioner on demand an amount equal to the difference in prices where the price on re-sale is lower than the original bid price.

Transport Department

註：

競投者須在每次成功競投後立刻填寫並簽署付款承諾書，並須在立即辦妥有關買賣手續，否則一律視作毀約論，運輸署署長有權因買主不履行合約所引致的損失對其採取法律程序，及取消發給有關的車輛登記號碼，並將號碼重行拍賣，假如重行拍賣的價格低於原先所得的價格，買主須應索求向署長支付一筆相等於兩個價格之間差額的款項。

買主須在競投完成後立即以支票付款，期票及現金不予接受。

買主須小心填寫「車輛登記號碼／特別號碼發售備忘錄」內各項資料。文件一經簽訂後，即不能將資料更改。

買主如屬法人團體，必須出示公司註冊證。請買主注意香港法例第374章道路交通(車輛登記及領牌)規例第五條的規定。

旁邊有「*」 標記的登記號碼不能轉讓，即該號碼的所有權不能轉讓。請買主注意，香港法例第374章道路交通(車輛登記及領牌)規例第十二條對轉讓特別登記號碼事宜有所規定。以特別登記號碼登記的車輛所有權轉讓時，運輸署會收回該特別登記號碼。以特別登記號碼登記的車輛車主，只可以將該號碼轉用於其名下的另一部車輛。

買主**必須**於購買日期起計十二個月內，向運輸署署長申請將有關的登記號碼／特別號碼配與以買主名義登記的車輛。

下次拍賣將於**二零零二年七月十三日(星期六)上午九時三十分，香港灣仔軒尼詩道15號溫莎公爵社會服務大廈204室**舉行。

如欲**查詢某些車輛登記號碼是否可以預留以待拍賣**，請致電2804 2600 或傳真:2524 5261

如欲**申請預留特別車輛登記號碼以待拍賣**，請來函運輸署車輛記錄辦事處提出。地址是香港金鐘道六十六號金鐘道政府合署低座閣樓(傳真: 2524 5261)。

如欲**申請預留非特別車輛登記號碼以待拍賣**，請將填妥的申請表(TD283)及按金港幣1,000元交予香港牌照事務處,地址是香港金鐘道95號統一中心三樓 (電話查詢: 2804 2600)

請參閱夾附的「公開拍賣車輛登記號碼之發售條件」。

tes :

Bidders are requested to complete and sign the undertaking immediately after each successful bidding. All transactions must be completed immediately after the bidding. It is a breach of contract if the Purchaser fails to do so. The Commissioner shall be entitled o proceed against the purchaser for damages for breach of contract; and to cancel the allocation of the registration mark and re-sell he same by auction and the Purchaser shall pay to the Commissioner on demand an amount equal to the difference in prices where he price on re-sale is lower than the original bid price.

Purchasers will be required to pay by cheque immediately after the bidding is completed. Post-dated cheque or cash will <u>not</u> be ccepted.

Purchasers are advised to fill in the particulars on the Memorandum of Sale carefully. No alteration of the particulars will be ermitted after execution.

The certificate of incorporation should be produced if the purchaser is a body corporate. Purchasers are reminded of Regulation 5 of he Road Traffic (Registration and Licensing of Vehicles) Regulations, Cap. 374.

Registration numbers marked with an asterisk (*) are not transferable which means that ownership of the number cannot be ransferred. Purchasers are reminded that the transfer of special registration marks is governed by regulation 12 of the Road Traffic Registration and Licensing of Vehicles) Regulations, Cap. 374. Where the ownership in a motor vehicle with a special registration ark is transferred, the allocation of the special registration mark shall be cancelled. The owner of a motor vehicle with a special egistration mark can only transfer the mark to another vehicle owned by him.

The Purchaser **<u>MUST</u>**, within 12 months from the date of purchase, apply to the Commissioner for the registration mark/special egistration mark to be assigned to a vehicle registered in the name of the Purchaser.

lext auction will be held at **Room 204, Duke of Windsor Social Service Building, 15 Hennessy Road, Wanchai, Hong ong on 13 JULY 2002 (Saturday) starting at 9:30 a.m.**

o check the availability of vehicle registration mark for auction, please call 2804 2600 or fax to 2524 5261.

o reserve a Special Vehicle Registration Mark for auction, please write to the Vehicle Records Office, Transport Department, I/F., Low Block, Queensway Government Offices, 66 Queensway, Hong Kong or fax your request to 2524 5261.

o reserve a Non Special Registration Mark for auction, please submit the application form duly sign, copy of your ID Card and 1,000 to the Hong Kong Licensing Office, 3/F, United Centre, 95 Admiralty, Hong Kong. (Enquiry: 2804 2600)

lease see the attached Conditions of Sale.

運 輸 署

Transport Department